

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1814 - SB 2238**

February 5, 2018

**SUMMARY OF BILL:** Authorizes the Board of Water Quality, Oil, and Gas to promulgate rules concerning the effect of a National Pollutant Discharge Elimination System (NPDES) permit in an enforcement proceeding. Requires the effect be comparable to that provided under the federal Clean Water Act, 33 U.S.C. § 1251 et seq.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- The Clean Water Act includes a “permit shield”, meaning that the holder of a NPDES permit is shielded agency enforcement, if the permit holder complies with the terms of the permit. In other words, even if the permit holder’s discharge contains pollutants, the enforcement agency—in Tennessee, the Department of Environment and Conservation—cannot bring an enforcement action against the permit holder, if those pollutants are not included in the permit limits or conditions.
- The proposed legislation authorizes the Board of Water Quality, Oil, and Gas to promulgate rules to create a permit shield comparable to that in the Clean Water Act.
- The proposed legislation will not significantly impact the Board’s operations. The Board can promulgate the permit shield rules within its existing resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

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